

APPEAL NO. 031734
FILED AUGUST 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 4, 2003. The hearing officer determined that respondent (claimant) sustained a compensable injury on _____; that the compensable injury includes an injury to the low back after November 24, 2002; and that claimant had disability from August 21 to August 25, 2002, and from October 11 through December 30, 2002. Appellant (carrier) appeals these determinations on sufficiency grounds. Carrier also contends that the hearing officer abused his discretion in denying a continuance. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order. Claimant also asks the Appeals Panel to extend the date of disability, though he also says he agrees with the hearing officer's decision. The hearing officer's decision was sent to the parties on June 9, 2003. Claimant's July 11, 2003, response was not timely filed as an appeal, and it will not be considered as such.

DECISION

We affirm.

Carrier contends that the hearing officer erred in failing to grant its motion for continuance. Carrier asked for a continuance at the hearing because it had not received certain medical records that were the subject of a subpoena. In its May 28, 2003, motion, carrier stated that the continuance was necessary because the records it sought "reflect Claimant is physically able to obtain employment at this time and has recovered from his alleged injury." However, the hearing officer determined that claimant did not have disability after December 30, 2002. There was no abuse of discretion in the failure to grant the continuance since any records concerning whether claimant had been physically able to obtain employment or had recovered from his alleged injury as of the date of the motion would not impact the decision. Carrier has not shown any reversible error.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **FIDELITY & GUARANTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Margaret L. Turner
Appeals Judge

Edward Vilano
Appeals Judge